

## Briefing Note on Opening an Academy – HR advice and information

A number of schools in Plymouth are considering changes to their status that may lead to them becoming academies, trusts and foundation schools. We know already that Plymouth City Council is exploring with John Kitto and Tamarside Community Colleges the possibility of them moving to Academy status and the consultation is ongoing relating to the discontinuance of both John Kitto and Tamarside Community Colleges subject to the Secretary of State signing an agreement to open two academies on the existing sites of the two colleges.

The following is advice and guidance on HR issues relating to academies

- Subject to the outcome of further discussion and cabinet approval an 'expression of interest' in the establishment of two academies on the sites of the existing John Kitto and Tamarside Community Colleges may be made. If implemented this will result in a process that could lead to the replacement of these two community colleges with two new academy schools.
- All contracts of employment held by staff employed at these colleges will cease on the date of closure with all eligible staff transferring under TUPE arrangements to the new academy.
- There is currently a total of 550 staff employed at Tamarside and John Kitto Community Colleges.
- Employer responsibilities currently held by Plymouth City Council and the governing body will cease and transfer to the new academy trust boards/governing bodies on the day of opening.
- It will be the responsibility of the academy to issue new contracts of employment to all transferring staff identifying the trust board/governing body as the new employer.
- All staff will initially transfer on existing terms and conditions under TUPE arrangements including the existing Principals and Vice Principals. This will require that teaching staff continue to be paid under School Teacher Pay and Conditions Document and in accordance with the Burgundy Book (Teachers) and support staff paid under NJC (including local Job Evaluation outcomes) and Green Book conditions of service.
- Each academy will be directly responsible for recruiting through national advertisement a new Head of Academy.
- Under TUPE regulations existing terms and conditions will be protected. However changes to terms and conditions, staffing structures etc could be introduced by academies post transfer provided such steps can be justified and due process followed.
- In advance of each academy opening trust boards and governing bodies will be established. Each new body will take responsibility for organising

the transfer of existing staff under TUPE arrangements to the new academy. PCC will be responsible for supplying all necessary information regarding existing staff and their terms and conditions of employment to the trust boards/governing bodies.

- Staff who are eligible to transfer to the new academies but elect not to do so will not be eligible for any type of redundancy or other compensation package from PCC.
- No early retirement packages will be made available by PCC although staff who are eligible under the terms of their retirement scheme to take early retirement at no cost to the employer may choose this option.
- PCC (Services for Children and Young People/HR) will promote with each trust board/governing body proper consultation with trade union representatives at a stage that will allow such representations as they may wish to make to be considered prior to decisions affecting staff being taken.
- PCC (Services for Children and Young People/HR) may make available support to existing staff on a one to one basis for the purpose of providing advice and support as necessary.
- PCC (Services for Children and Young People/HR) may be available to contribute to any staff meetings organised by the academy trust boards/governing bodies in advance of the new schools opening at which TUPE transfer arrangements are discussed.
- PCC (Services for Children and Young People/HR) should work to ensure that sufficient time is allowed within the transfer process to facilitate proper discussion with staff both collectively and individually.
- Discussions have taken place with both Manchester City Council and Bristol City Council concerning the establishment of new academies in their localities. These discussions have provided useful additional information but have also revealed there is no 'one size fits all'.
- Plymouth City Council will need to make decisions on a number of key issues relating to how it will support processes leading to the TUPE transfer of its existing PCC employees to the new academies and how it can work cooperatively with the trust boards/governing bodies to ensure such transfers are successfully achieved.
- HR will need to consider whether it wishes to offer an ongoing HR service to the Academies and if so what will be included within any service level agreement. The resourcing implications of providing a service will need careful planning.